

DOCKET FILE COPY ORIGINAL
SAINT MARY SCHOOL
23 Marshall Street
Putnam, Connecticut 06260
Telephone: (860) 928-7046
Fax: (860) 928-9379

March 19, 2001

Federal Communications Commission
Office of the Secretary
445-12th Street, SW
Room TW-A325
Washington, DC 20554

RECEIVED
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FCC MAIL ROOM

In the matter of: Request for Review by St Mary School of Decision of Universal Service
Administrator
FCC Docket Nos. 97-21 and 96-45.

St Mary School is an eligible school entitled to receive funds under the Schools and Library Program. It hereby appeals the decision of the SLD to deny funding. (Funding request number 356721, 471 application number 177446)

Facts

1. The window for year 2 closed on February 19, 1999.
2. SLD documentation states (copy attached) that "Applications received after the close of the window will be treated-for funding priority purposes-on a first-come, first-served basis."
3. Our 470 was submitted on October 12, 1999.
4. The 470 received a posting date of Oct 14, 1999, and an allowable contract date of November 11, 1999. It was specifically stated on the web site where the form was posted that it was accepted for year 3.
5. It was our intention when filing the 470 for year 2 to receive year 2 funds. In reliance on SLD statements that it was accepted for year 3 we did not pursue year 2 funding any further and instead filed form 471 for year 3.
6. Form 471 was received, acknowledged and entered into the system.

Questions for review

1. Why did SLD tell us 470 was accepted for year 3 if they had no intention of honoring it.
2. Why did SLD acknowledge and accept form 471 if it was based on a 470 they had no intention of honoring.
3. The denial letter dated February 26, 2001, is based on inaccurate statements. Reason 1 states that we requested a 470 submitted for year 2 be used for year 3. This is not true, we did not make such a request. The form states year 2 and we clearly admit we applied

for year 2. It was SLD that advised us it would be accepted for year 3. We are just asking them to honor their original commitment. Reason 2 states that we did not comply with competitive bidding requirements. This is not true. Our form was posted on the web site, it received a valid posting date and an allowable contract date as noted above. Reason 3 restates that there was not competitive bidding. In fact the 470 was posted for the required amount of days. No bids were received and therefore we were free to negotiate in accordance with SLD rules.

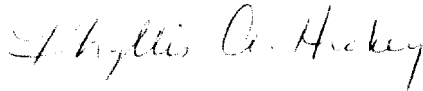
In summary:

- we clearly qualify for funding
- we followed all rules
- we have been denied funding due to relying to our detriment on information on the SLD website.

Relief Sought

We hereby request the administrators decision be overturned and that St Mary School receiving funding in the estimated amount of \$1050.00.

Very truly yours



Phyllis A. Hickey, Principal

Cc: SLD Administrator

Each school and library seeking discounts for more than just basic telephone service (which includes both local and long distance telephone services) must develop or already have in place a technology plan and have it approved by an independent agency, such as a state education or library agency, by the time the applicant files its Form 486. Technology plans describe how schools and libraries intend to integrate the use of these technologies into their curricula and programs. (See page 9 for more information about Technology Plans.)

Application Window

All schools or libraries will have an initial “window period” during which all properly completed applications received by SLC will be treated as if they were simultaneously received. A “properly completed application” includes both FCC Form 470 and its related FCC Form 471 filed no earlier than 28 days later. Both Forms 470 and 471 must be received by the close of the window for the application to be considered “in the window.” Applications received after the close of the window will be treated—for funding priority purposes (see “Rules of Priority,” page 8)—on a first-come, first-served basis.

Fund Administration

The Schools and Libraries Corporation (SLC), an independent not-for-profit entity established by FCC rules, has responsibility for administering the schools and libraries program. The Universal Service Administrative Company (USAC) has been named by the FCC as the overall administrator of Universal Service Fund collection and distribution.

Schools and Libraries Eligibility

Schools must meet the statutory definition of an elementary or secondary school found in the Elementary and Secondary School Act of 1965 (20 U.S.C. Section 8801 (14) and 8801 (25)). They must not be operating a for-profit business, and may not have an endowment exceeding \$50 million.

Examples of Eligible Schools

- Public schools
- Non-public schools
 - Private schools
 - Parochial schools
- Area vocational technical schools
- Charter schools
- Intermediate Units

Examples of Ineligible Schools

- Home school programs
- Institutions of higher education
- Private, proprietary vocational skills schools
- Pre-kindergarten programs if the state definition of elementary education excludes pre-kindergarten

Libraries or library consortia must be eligible for assistance from a state library administrative agency under the Library Service and Technology Act and not operating a for-profit business are eligible for discounted services.

Examples of Eligible Libraries

Examples of Ineligible Libraries

April 25, 2000

Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Dear Sir or Madam:

We are hereby appealing the following Funding Commitment Decision:

Applicant Name: St. Mary School
Form 471 Application Number: 177446
Billed Entity Number: 5483
FCD Letter dated: April 14, 2000

The appeal is for Funding Request Number 356721. The reason for denial states that a new 470 is required for each funding year. Our 470 was originally intended for year 2, but by the time it was sent in it was apparently past the deadline for year 2. However when we looked it up on your web site, it was listed in a special category which stated that it was a year 2 form which was accepted for year 3 funding. On the basis that it was accepted for year 3 we proceeded with the 471 form. While we understand the concept of filing forms on a yearly basis, since our form was accepted for year 3 it does not seem logical to have to file an additional form for year 3. Therefore we request that our funding status be changed to funded. Please contact the undersigned at the numbers noted above to discuss this matter.

Very truly yours,

Phyllis A. Hickey, Principal

9-21-00
Spoke to Laura at
Tech Chart Services
Bureau - still have
not ruled on appeal



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2000-2001

February 26, 2001

Phyllis A. Hickey
Saint Mary School
23 Marshall Street
Putnam, CT 06260

Re: Billed Entity Number: 5483
471 Application Number: 177446
Funding Request Number(s): 356721
Your Correspondence Dated: April 25, 2000

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Three Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 30-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 356721
Decision on Appeal: **Denied in full**
Explanation:

- Your appeal letter requests that the Form 470 you submitted for fund year 2 be used for fund year 3 tariff telecommunications services. The funding year on the Form 470 cited in your Form 471 application shows 07/01/1999 – 06/30/2000, which is fund year 2.
- The Form 470, (USCN:259160000245280), that you referenced in your Form 471 has been filed in a previous program year." The Form 471 you submitted to SLD indicates that you are seeking support for tariff or month-to-month services. While these types of services may not be subject to a contract, they do need to be competitively bid for each funding year. Therefore, your Form 470 requesting support for these services should have been posted on the website. Consequently, SLD denies your appeal because your application did not comply with the

competitive bidding requirement that your Form 470 be posted on the website for 28 days.

- FCC rules require that except under limited circumstances, all Forms 470 received be posted on the website for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting a Form 471. *See* 47 C.F.R. §§ 54.504; 54.511(a), (c). These competitive bidding requirements help ensure that applicants receive the lowest pre-discount price from vendors. *See Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order on Reconsideration, 12 FCC Rcd 10095, 10098 ¶ 9 (1997). The only exceptions to the posting requirement are for: (1) contracts signed on or before July 10, 1997 for the life of the contract; (2) contracts signed between July 10, 1997 and before January 30, 1998 (the date on which the website became operational) for services provided through June 30, 1999. *See* 47 C.F.R. § 54.511(c); *Fifth Reconsideration Order*, 13 FCC Rcd at 14916 ¶ 2, and 14920 ¶ 8 (extending Year One funding period through June 30, 1999).

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted on the website at <www.universalservice.org>. **You must file your appeal with the FCC no later than 30 days from the date on this letter for your appeal to be filed in a timely fashion.**

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



UNIVERSAL SERVICE
ADMINISTRATIVE CO

SCHOOLS AND LIBRARIES DIVISION

Box 125 - Correspondence Unit
100 South Jefferson Road
Whippany, NJ 07981

ST MARY SCHOOL
Phyllis A Hickey
23 MARSHALL ST
PUTNAM, CT 06260-1403

February 18, 2000

FCC Form 471 RECEIPT ACKNOWLEDGMENT LETTER TO APPLICANT
Re: Form 471 Application Number 177446

Funding Year 07/01/2000 - 06/30/2001 - Program Year 3
Applicant's Form Identifier: SMS 1
Billed Entity Number 5483

NOTICE: This notification is an acknowledgment of RECEIPT and SUCCESSFUL DATA ENTRY of your FCC Form 471, Services Ordered and Certification Form, reflecting \$2,100.00 in total program year pre-discount costs for services.

This letter does NOT contain any decisions concerning your requests for discounts.

Please keep this letter for your records. The Form 471 application number cited above is critical for you to link your application to future Schools and Libraries Division (SLD) communications.

Please be advised that your Form 471 was officially received by the SLD on 12/13/1999 and successfully entered into our data system. In addition, we have received the Certification for the Form 471 and the other required documentation. We have entered this Certification into our processing system. SLD's Program Integrity Assurance (PIA) Team will now review your application for compliance with program rules. Once the review of your application has been completed, you will receive a separate Funding Commitment Decisions Letter which informs you of the disposition of your application. Until you receive a Funding Commitment Decisions Letter from the SLD, you cannot assume that you will receive the discounts for which you are applying.

Your application will be considered within the application filing window wherein all applications which meet the Minimum Processing Standards are treated as though they were received on the same day.

HOW TO USE THIS 471 RECEIPT ACKNOWLEDGMENT LETTER TO CORRECT INFORMATION ON YOUR FORM 471 (ACT WITHIN 2 WEEKS!)

If you find data entry errors on this letter, or you previously identified errors on your Form 471, these can be corrected using this Form 471 Receipt Acknowledgment Letter. Examples of the errors that can be corrected are:

- * Block 1 information (such as contact person or street address);
- * Reductions to Block 5 Funding Requests;
- * SPIN is incorrect because of a data entry error or because the company has merged with or been acquired by another company (Requests to change service providers for other reasons cannot be accommodated through the Receipt Acknowledgment Process.);
- * If on your Form 471 you incorrectly combined or "bundled" into one Funding Request Number (FRN) two or more services from different service providers (for example, local phone service from one company and long distance service from another) or from different eligible service categories (such as internal connections and Internet access), you may request us to "split" or "unbundle" the FRN.

NOTE: The total dollar amount represented by the newly divided FRN must not exceed